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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

This document relates to:
INDIRECT PURCHASER ACTIONS

CASE NO. 3:10-md-2143 RS

**STIPULATION AND [PROPOSED]
ORDER REGARDING DEFENDANTS'
RESPONSES TO INDIRECT PURCHASER
PLAINTIFFS' FOURTH AMENDED
CLASS ACTION COMPLAINTS**

Date Action Filed: Oct. 27, 2009

1 WHEREAS, the Indirect Purchaser Plaintiffs filed a Corrected Second Amended Class
2 Action Complaint (“IP-SAC”) on October 18, 2011;

3 WHEREAS, following the Court’s Order Denying Motions to Dismiss (Apr. 19, 2012,
4 Dkt. 531), Defendants filed their individual Answers to the IP-SAC between June 4 and August
5 17, 2012;

6 WHEREAS, on March 15, 2013, the Indirect Purchaser Plaintiffs lodged under seal a copy
7 of their [Proposed] Third Amended Complaint, and then filed (i) a redacted version of their Third
8 Amended Class Action Complaint (“IP-TAC”) on April 15, 2013 (Dkt. 832) and (ii) an under seal
9 version of the IP-TAC on April 25, 2013 (Dkt. 848);

10 WHEREAS, on April 26, 2013, the Court entered an Order Regarding Defendants’
11 Responses to Plaintiffs’ Third Amended Complaints which provided, among other things, that
12 Defendants’ previously filed Answers to the IP-SAC shall be deemed sufficient for purposes of
13 responding to the IP-TAC (Dkt. 851);

14 WHEREAS, on May 29, 2013, the Indirect Purchaser Plaintiffs filed a Motion for Leave
15 to Amend, with a copy of their proposed fourth amended complaint attached (Dkt. 879);

16 WHEREAS, on June 12, 2013, certain Defendants filed a Statement of Nonopposition to
17 the Indirect Purchaser Plaintiffs’ Motion for Leave to Amend (Dkt. 901);

18 WHEREAS, on July 3, 2013, the Court entered an Order Re Indirect Purchasers’ Motion
19 for Leave to Amend, and Related Matters which granted, in part, the Indirect Purchaser Plaintiffs’
20 motion and ruled that the proposed fourth amended complaint may be filed (Dkt. 929);

21 WHEREAS, on July 10, 2013, the Indirect Purchaser Plaintiffs filed under seal their
22 Fourth Amended Class Action Complaint (“IP-FAC”) (Dkt. 932); and

23 WHEREAS, the Indirect Purchaser Plaintiffs and Defendants have agreed that, given the
24 substantial overlap and nature of the amendments between the IP-SAC and IP-FAC, Defendants’
25 previously filed Answers to the IP-SAC shall be deemed sufficient for responding to the IP-FAC;

26 NOW THEREFORE IT IS HEREBY STIPULATED, by and between the undersigned
27 counsel for the parties, that Defendants’ previously filed Answers to the IP-SAC shall be deemed
28 sufficient for purposes of responding to the IP-FAC. This means that to the extent a Defendant

1 admitted, denied or objected to, in full or in part, any allegation in the IP-SAC, that Defendant
2 shall be deemed to have admitted, denied or objected to, in full or in part, the same substantive
3 allegation set forth in the IP-FAC.

4 IT IS SO STIPULATED.

5 DATED: July 15, 2013

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* * *

IT IS SO ORDERED.

DATED: 7/18/13



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT COURT JUDGE